controlling a video recorder to one of record [or] and play one of video [or] and audio contained in [the] said at least one [or more] specific channel[s] designated by said processed datum; and

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controlling a selective [transmission] transfer device to communicate to at least one of a storage device [or] and an output device [the] said at least one [or more] specific channel[s] designated by said processed datum.

REMARKS

The Office Action dated February 14, 1997 has been carefully reviewed. The Examiner's comments on the claims are acknowledged and appreciated. In response thereto, claims 3-46 have been amended. The foregoing amendments present no new matter and are fully supported by the specification as filed.

As to paragraph number 2 of the Office Action, Applicants respectfully point out that the Information Disclosure Statements filed for the subject application claim priority back to the application filed November 3, 1981, and issued as U.S. Pat. No. 4,694,490 on September 15, 1987. The present application claims priority under 35 U.S.C. § 120 of the following applications:

Serial No.	Filing Date	Patent No.
08/113,329	August 30, 1993	Pending
08/056,501	May 3, 1993	5,335,277
07/849,226	March 10, 1992	5,233,654
07/588,126	September 25, 1990	5,109,414
07/096,096	September 11, 1987	4,965,825
06/829,531	February 14, 1986	4,704,725
06/317,510	November 3, 1981	4,694,490

Applicants will address the art rejections of this Office Action, but traverse the assertion that a double patenting situation exists.

As to paragraph number 3 of the Office Action, Applicants acknowledge their duty to maintain a line of patentable demarcation between related applications. If substantially duplicate claims are found to exist, Applicants will make a good faith effort to alert the PTO of any instances in which the PTO treats such claims inconsistently.

As to paragraph number 4 of the Office Action, Applicants acknowledge and appreciate the Examiner's concern over the use of alternative claim language. Applicants assert that the disclosure supports every possible embodiment or permutation that can be created using said language.

As to paragraph number 10 in the Office Action, the Examiner states that "determination of a possible non-statutory double patenting rejection obvious-type in each of the related 327 applications over each other will be deferred until a later time." Applicants submit that the Examiner and the PTO cannot defer further rejections to a later time. Every ground of rejection should be made in the Examiner's first Office Action. 37 C.F.R. § 1.104(a) states that "[o]n taking up an application for examination . . . the Examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect to both compliance of the application . . . with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise

indicated." The M.P.E.P. states "[t]he [E]xaminer's action will be complete as to all matters, except that in appropriate circumstances, such as misjoinder of invention, fundamental defects in the application, and the like, the action of the [E]xaminer may be limited to such matters before action is made." M.P.E.P. § 707.07, citing 37 C.F.R. § 1.105. Finally, "[p]iecemeal examination should be avoided as much as possible. The [E]xaminer ordinarily should reject each claim on all valid grounds available . . . ." "Where a major technical rejection is proper, it should be stated with full development of reasons rather than by mere conclusion coupled with some stereotyped expression." M.P.E.P. § 707.07(g). Applicants submit that the Examiner has a duty to give each application a complete examination, to make rejections with specificity, and to not defer rejections.

For these reasons, Applicants likewise traverse the rejection, made in paragraph 11 of the Office Action, which is based on the "judicially created doctrine of double patenting" over the claims of copending U.S. application 08/113,329 and the copending applications listed on pages 12, 13, 14, 15, and 16 of the Office Action. Applicants submit that this rejection, even if appropriately made with specificity, should nonetheless be a provisional double patenting rejection. Applicants, however, respectfully request that this rejection be withdrawn.

As to paragraph number 24 of the Office Action, Applicants acknowledge and appreciate the interviews provided by the PTO. Applicants also appreciate the detailed description of the interviews provided in the Office Action. In the interest of maintaining a clear record, however, Applicants respectfully traverse the Office

Action's interview summary statement that an offer was made to terminally disclaim the present application with respect to the '81 or '87 patents. Rather, Applicants respectfully submit that their offer was to disclaim a block of copending applications against one another, provided their issue date was in close enough proximity so as not to result in unnecessarily great losses in patent term duration.

Rejections Under 35 U.S.C. § 112, first and second paragraphs

The specification and claims 25 and 35-46 are rejected under 35 U.S.C. § 112, first and second paragraphs as failing to provide an enabling disclosure. The specification is further objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner has questioned the support in the '81 and '87 disclosures for an operational embodiment using the established meaning of the following terms: product; prompting; promoting; react; and instruct-to-react. Applicants submit that one of ordinary skill in the art would appreciate the use of the provided terminology in relation to the claims and specification of the present invention. Further, 35 U.S.C. § 112, first paragraph does not require that the identical words be used in the specification and the claims for support.

Notwithstanding the foregoing, regarding the term "product", Applicants would like to direct the Examiner's attention to U.S. Pat. No. 4,694, 490 at column 20, lines 21 & 50 (providing an example of a cooking program that solicits product orders for printed copies of featured recipes).[1] The established meaning of the term "product" is

[1] '490 col. 20 lines 21 and 50 correspond to the '87 Specification at pp. 469-478, *see also* 463- 469 and 478-516.

"something produced by human or mechanical effort or by a natural process." *Webster's II New College Dictionary*, 1995. The recipe from "The French Chef" television program is a product as defined by the established meaning of the term and the printed copy from printer (221) is a generated output that is associated with the product/recipe.

Regarding the terms "promoting" and "prompting", Applicants would like to direct the Examiner's attention to U.S. Pat. No. 4,694, 490 at column 20, lines 16-68. The example illustrates a media transmission that *promotes* a particular product and *prompts* the user for an order. *See also* '87 disclosure, page 471, line 3 to page 472, line 12 (providing an example of a program devoted to the subject of cooking that promotes a recipe and prompts the user for a response).

Regarding the terms "react" and "instruct-to-react", Applicants would like to direct the Examiner's attention to U.S. Patent No. 4,694,490, col. 19, lines 15-18). The example states that "[s]ignal processor, 200, receives this instruction from microcomputer, 205, at its processor or monitor, 12, which *reacts*, in a predetermined fashion . . .". (emphasis added). *See also* U.S. Patent No. 4,694,490, col. 20, lines 20-24 (illustrating one method for coordinating the presentation of information and a subscriber reaction through the use of print and video for a cooking-show recipe).[2]

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 3-46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action states that the "Examiner

[2] '490 col. 20 lines 20-24 corresponds to the '87 Specification at pp. 469-478, *see also* 463- 469 and 478-516.

is not certain that the meets [sic] and bounds of these claims can be determined because of the language in the disclosure and claims." It further states that "Applicants are being requested to reference the claim limitations in this application to the disclosure so that the meets [sic] and bounds of these claims can be properly considered." Applicants traverse this rejection and submit they are under no duty to prospectively reference claim limitations to the specification where the Examiner has not specifically identified what is objected to as indefinite. M.P.E.P. § 2111 states that "[d]uring patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.'" Also, it is only "when the specification provides definitions for terms appearing in the claims that the specification can be used in interpreting claim language." M.P.E.P. § 2111.01. Applicants respectfully request that this blanket rejection for indefiniteness be withdrawn.

However, in order to advance the prosecution of the present application, Applicants shall provide a summary of the pertinent disclosure including reference to examples supporting the claimed subject matter. The present application claims priority to Application Serial No. 08/317,510, filed on November 3, 1981 and issued September 15, 1987, as U.S. Pat. No. 4,694,490. The disclosure of the '510 application is generally directed to apparatus and methods for automatically controlling the transmission and presentation of information programming, including the application of embedded signaling for a number of functions, including the control over decryption and access, monitoring of usage/availability, control of external equipment, coordination of multiple broadcasts, automated compilation and collection of billing

data, and generation and presentation of combined media presentations of broadcast and locally-generated user specific content. (U.S. Pat. No. 4,694,490, Summary of the Invention; col. 3 line 29 to col. 5 line 27). The priority disclosure further discusses coordination and control of programming at several levels of the transmission chain, including transmission stations, intermediate transmission stations, and receiver stations.

Regarding the present application, specification support for independent claims 3, 39, and 43 may be found at U.S. Pat. No. 4,694,490, col. 18, line 42 to col. 20, line 7.[3] Specification support for independent claims 13, 19, 22, and 27 may be found at U.S. Pat. No. 4,694,490, col. 18, line 42 to col. 20, line 7; col. 9, lines 31-33; and col. 10, line 14 to col. 12, line 67.[4] Specification support for independent claim 17 may be found at U.S. Pat. No. 4,694,490, col. 18, line 42 to col. 20, line 7; and col. 10, line 14 to col. 12, line 67.[5] Specification support for independent claim 35 may be found at U.S. Pat. No. 4,694,490, col. 18, line 42 to col. 20, line 7; col. 2, line 64 to col. 3, line 5; col. 7, lines 36-64; col. 8, lines 32-55; col. 9, lines 31-33; and col. 10, line 14 to col. 12, line 67.[6]

Claims 4, 5, 7, 8, 13-38, and 43-46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, there are

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[3] '87 Specification at pp. 419-447, 249-267 (line 18), 447-457, 288-312, 19-28, and 86-248.

[4] '87 Specification at pp. 419-447, 249-267 (line 18), 447-457, 288-312, 19-28, 86-248, 37-278, and 324-390.

[5] '87 Specification at pp. 419-447, 249-267 (line 18), 447-457, 288-312, 19-28, 86-248, 37-278, and 312-324.

[6] '87 Specification at pp. 419-447, 249-267 (line 18), 447-457, 288-312, 19-28, 86-248, 37-278, 14 (lines 26-35), 36-38, 54 (lines 4-8), 356-372, and 324-390.

instances where claimed elements are not prefaced by "the" or "said". Claims 3-46 have been amended to include "the" or "said", as appropriate, and to more clearly identify which elements are intended to be claimed. Claim 3 has been amended to clarify the antecedent basis for "data". Claim 4 has been amended to clarify the "memory location" being claimed. Claim 7 has been amended to clarify the "instruct signal" being claimed and the antecedent basis for and the "programming source". Claim 13 has been amended to clarify the "receiver station" and the "control signal" being claimed. Claim 15 has been amended to clarify the "receiver station" and the "processor" being claimed. Claim 17 has been amended to clarify the "remote station" being claimed and the antecedent basis for the selected "subscriber datum". Claim 19 has been amended to clarify the "transmitter" and the "control signal" being claimed. Claim 21 has been amended to clarify the "transmitter" being claimed. Claim 22 has been amended to clarify the "mass medium programming" being claimed. Claim 25 has been amended to clarify the "mass medium programming" and the "control signal" being claimed. Claims 27, 30, and 31 has been amended to clarify the "transmitter" being claimed. Claim 32 has been amended to clarify the "receiver station" being claimed. Claim 35 has been amended to clarify the "transmitter" and the "remote station" being claimed. Claim 37 has been amended to clarify the "remote data collection station" being claimed. Claim 43 has been amended to clarify the "control signal" being claimed. Accordingly, Applicants respectfully request that the rejection of claims 4, 5, 7, 8, 13-38, and 43-46 under 35 U.S.C. § 112, second paragraph be withdrawn.

Finally, Applicants respectfully request that all of the foregoing 35 U.S.C. § 112 rejections be withdrawn. The claims have been amended to improve clarity and to respond to certain rejections made by the Examiner. Further, Applicants' amendments to claims 3-46 are believed to eliminate any confusion as to what elements are being claimed. Moreover, Applicants have made a good faith effort to amend the claims to overcome all of the rejections and request that the Examiner call Applicants' representative if these amendments have not addressed the problems intended by the Examiner. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 3-46 and the specification under 35 U.S.C. § 112.

Rejections Under 35 U.S.C. § 102

Claims 3-46 are rejected under 35 U.S.C. § 102(e) as being anticipated by Campbell et al. (U.S. Patent No. 4,536,791) (hereinafter "Campbell").

Applicants submit that the applied reference, Campbell et al. is not prior art under 35 U.S.C. § 102(e). A person shall be entitled to a patent unless the invention was described in a patent granted on an application for patent by another filed in the United States before the invention of the Applicant. 35 U.S.C. § 102(e). In the present case, the 102(e) date on the face of the Campbell patent, November 27, 1981, does not precede the asserted priority date of the present application, November 3, 1981.

Notwithstanding the foregoing, Applicants submit that Campbell does not anticipate the claimed invention. Campbell is directed to a head end station that includes a central data system using a control computer which gathers data from a wide variety of sources and formats the data for transmission on video frequency channels.

The formatted data is then transmitted by communication link to a television program processor where it is incorporated into the vertical blanking intervals of video signals by a variety of television program sources. The head end unit transmits the combined cable television and data signal to remote subscribers. Normally, the signals are then transmitted through a cable network to a plurality of subscribers. The signals are received by an addressable converter which then processes the data on line as determined by subscriber input for desired viewing on one or more television sets.

Regarding independent claim 3, Applicants traverse the rejection and submit that the control data and subscriber codes of Campbell do not anticipate the receiver specific programming presentation of claim 3. For example, Figure 1 of Campbell discloses the output of a conventional broadcast along with text that, upon display, is the same at every receiver station with access that tunes to the appropriate channel. In contrast, the receiver station of claim 3 receives a receiver-specific programming presentation and selects at least one stored subscriber datum with independent receiver-specific relevance at each receiver station. At best, Campbell distinguishes users on a tier level, whereas claim 3 independently distinguishes output on an individual user level that may differ at each receiver station.

Regarding independent claim 13, Applicants traverse the rejection and submit that the control data and enable codes of Campbell do not anticipate the selected subscriber datum for simultaneous or sequential presentation, as found in claim 13. Campbell discloses that the channel enable code, text enable code, and subscriber enable word control access to universally-broadcast signals and textual data to

authorize a subscriber to view information on a given channel at a specific time. For example, the text enable word (219) identifies the channels which are available for viewing by the identified subscriber. (Campbell, col. 13, lines 46-48).

Unlike Campbell, however, amended claim 13 recites that downloadable code is effective at the receiver stations to select at least one subscriber datum. As noted earlier, the subscriber datum of the present application has independent receiver-specific relevance at each receiver station, whereas Campbell distinguishes access and authorization merely on a subscriber tier level. Further, Campbell's addressable cable television control system is completely silent on "at least one subscriber datum for at least one of simultaneous presentation and sequential presentation of said at least one subscriber datum with mass medium programming."

Regarding independent claim 17, Applicants traverse the rejection and submit that Campbell's channel monitoring for test marketing purposes does not anticipate the method of gathering information on the use of a resource or signal of claim 17. Campbell discloses that, if permitted by the subscriber, converter 40 is enabled to transmit certain television set monitoring information such as: (1) an indication that the subscriber's set is turned on; (2) the channel it is turned to; and (3) when the subscriber moves from one channel to another. (Campbell, col. 18, lines 14-23). This monitoring capability can be used for rating television programs and, in conjunction with the opinion polling capability, for test marketing of products. (Campbell, col. 18, lines 23-26).

In contrast, claim 17 recites identifying at least one of: (a) a resource to select for at least one of simultaneous presentation and sequential presentation with mass medium programming; and (b) a control signal which is effective to select at least one subscriber datum for said at least one of simultaneous presentation and sequential presentation with said mass medium programming. The object and effect of Campbell's channel monitoring is to rate television programs and market products, whereas the object and effect of claim 17 is to gather information on the use of at least one of a resource and a control signal. Moreover, Campbell does not disclose a control signal that selects at least one subscriber datum, as found in claim 17.

Regarding independent claim 19, Applicants traverse the rejection and submit that Campbell's control data, subscriber enable word, and text identification code do not anticipate the instruct signal of claim 19. Campbell's subscriber enable word and text identification code provide only a basic on/off functionality for programming, whereas independent claim 19 recites receiving mass medium programming having an instruct signal which is effective to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming. The object and effect of Campbell's subscriber enable word and text identification code is to provide access authorization to universally-broadcast programming, whereas the object and effect of claim 19 is to use an instruct signal to output a simultaneous or sequential presentation of at least one selected subscriber datum with the mass medium programming.

Regarding independent claim 22, Applicants traverse the rejection and submit that the text identification code of Campbell does not anticipate the instruct signal of

claim 22. Amended claim 22 recites "receiving at said transmitter station an instruct signal which is effective at the receiver station to select at least one subscriber datum for at least one of simultaneous and sequential presentation with said mass medium programming." The Office Action states that Campbell teaches the step of "receiving at the transmitter station an instruct signal (see the text identification code 252 in figure 11) . . . ". Applicants respectfully disagree with the Examiner's cross-reference and citation. The text identification code of Campbell does not select subscriber data for simultaneous or sequential presentation with mass medium programming. Rather, the text identification code merely indicates the start of text to facilitate the formatting of a text data transmission.

Regarding independent claim 27, Applicants traverse the rejection and submit that the control data and text enable code of Campbell do not anticipate the instruct signal of claim 27. Campbell discloses that the channel enable code, text enable code, and subscriber enable word control access to universally-broadcast signals and textual data to authorize a subscriber to view information on a given channel at a specific time. Further, the text enable word (219) identifies the channels which are available for viewing by the identified subscriber. (Campbell, col. 13, lines 46-48).

Unlike Campbell, however, amended claim 27 recites that at least one instruct is effective at the receiver stations to select at least one subscriber datum for simultaneous or sequential output with mass medium programming. Further, Campbell's text formatter system generates output information content such as teletext or prompting for program selection, but the output is not transmitted with the capability to inter-relate at

least one instruct signal, at least one control signal, mass medium programming, and at least one subscriber datum, as found in claim 27. Campbell's teletext data or prompting is transmitted to all receiver stations broadcast-fashion and only enables the receiver to format and display the universally-broadcast textual data.

Regarding independent claim 35, Applicants traverse the rejection and submit that Campbell's information retrieval feature does not anticipate the assembling or selecting steps of claim 35. Campbell discloses that "[t]he information retrieval feature allows a wide variety of information to be accessed from libraries and other data banks." (Campbell, col. 18, lines 30-33). The converter is linked to a remote data bank by way of a PCS unit control computer. (Campbell, col. 18, lines 40-44).

Amended claim 35, however, includes much more than controlling information retrieval from libraries and data banks. Among other things, claim 35 recites the steps of: (1) assembling, in the network, a first signal which is effective at the interactive television viewing apparatus to deliver at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming; and (2) outputting at least one subscriber datum in a simultaneous or sequential presentation with the mass medium programming based on a first signal from a remote station.

Campbell's information retrieval system neither assembles the first signal of claim 35 nor outputs the subscriber datum of claim 35. Further, the object and effect of Campbell's information retrieval system is to allow access to static data, whereas the object and effect of claim 35 is to actually assemble and output a simultaneous or

sequential presentation of mass medium programming and at least one subscriber datum based on a first signal from a remote station.

Regarding independent claim 39, Applicants traverse the rejection and submit that Campbell's information retrieval feature also does not anticipate the assembling or selecting steps of claim 39. As noted earlier, Campbell discloses that the information retrieval feature allows a wide variety of information to be accessed from libraries and data banks by linking the converter to a remote data bank. (Campbell, col. 18, lines 33-44). Unlike Campbell's information retrieval system, however, amended claim 39 recites processing instructions to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming. Campbell's information retrieval system merely operates to allow access to static data, whereas claim 39 actually processes instructions to output a simultaneous or sequential presentation of mass medium programming and at least one subscriber datum. Moreover, claim 39 presents the information in a specific fashion, on the basis of instructions, to complete or supplement the mass medium programming.

Regarding independent claim 43, Applicants traverse the rejection and submit that the complementary text channel of Campbell does not anticipate the "at least one datum" of claim 43. Campbell discloses that "[t]ext information of some complementary text channels may be formatted to supplement the television programs on its complementary program channel." (Campbell, col. 17, lines 28-31). In contrast, amended claim 43 recites "selecting at least one datum for at least one of simultaneous and sequential presentation with mass medium programming . . .". Campbell's

complementary text channel is merely an alternate channel that displays additional textual data, independent of the program channels, for all subscribers with appropriate access and authorization. The "at least one datum" of claim 43, however, is actually selected on the basis of information received from the processor based on the step of controlling the processor.

Since Campbell fails to disclose every element of the claimed invention of independent claims 3, 13, 17, 19, 22, 27, 35, 39, and 43, Campbell does not anticipate these claims. The remaining dependent claims are not anticipated for at least the reasons proffered regarding their respective independent claims. Accordingly, Applicants respectfully submit that Campbell does not anticipate claims 3-46 of the present application and respectfully request reconsideration of the rejection under 35 U.S.C. § 102(e).

Double Patenting Rejections

Claims 3-46 are twice rejected under the judicially created doctrine of non-obviousness, non-statutory double patenting over the patented claims in U.S. Patents 4,694,490; 4,704,725; 4,965,825; and 5,109,414. As to the double patenting rejections, Applicants' views are fully discussed in Applicants' reply brief to the rejections in application number 08/113,329, and that reply brief is incorporated by reference herein. Moreover, the claims of the present application are patentably distinct from the representative claims of U.S. Patents 4,694,490; 4,704,725; 4,965,825; and 5,109,414.

As an initial matter, the Examiner's rejection of the present application under the Schneller double patenting theory based on Harvey U.S. Patents 4,694,490 and 4,704,725

is improper because the present application does not claim the benefit of those applications under 35 U.S.C. § 120. Thus, there could never have been a basis for claiming the present subject matter in those applications. Therefore, the rejection based on Harvey U.S. Patents 4,694,490 and 4,704,725 should be withdrawn.

Moreover, the PTO fails to specifically identify all claims from cited Harvey patents that cover specific claims in the present application. Rather, the Office Action references "representative claims" from patents and the present application. The Office Action does not cite specific elements from claims in a patent covering specific elements in claims in the application. In fact, the Office Action acknowledges that the patent claims and application claims are directed to different elements, but states that this "does not prohibit this rejection if there is common or interrelated subject matter recited." The Office Action then references Schneller in support of this erroneous statement, not supported by Schneller.

The claims in the present application are distinct from the claims in the Harvey patents. As previously mentioned, the Office Action states that the independent and distinct standard was the main factor in the Schneller court's determination that the double patenting rejection should be affirmed. The Examiner has misinterpreted this phrase. This phrase means independent 'or' distinct. M.P.E.P. (6th ed.) § 802.01. The M.P.E.P. defines independent as meaning "that there is no disclosed relationship between the two or more subjects disclosed" and that they are not connected. The M.P.E.P. defines the term distinct as meaning that "two or more subjects disclosed are related . . . but are capable of separate manufacture, use, or sale as claimed . . . ." Two

or more subjects cannot then be unrelated, independent, and also related, and thus distinct. Analyzing the PTO's cited representative claims referenced in the Office Action, the claims of the present application are clearly distinct from the claims in the patents and therefore the claims in the present application are patentable.

Although not required, Applicants will analyze the claims of the present application with respect to the designated representative claims of Harvey U.S. Patents 4,694,490 and 4,704,725.

Claim 22 of the present application is distinct from the first representative claim, claim 7 of U.S. Patent 4,694,490.

Claim 7 of patent 4,694,490 recites a method of communicating television program material, said material including a video signal containing a television program and an instruct-to-overlay signal, to multiple receiver stations. The video signal is received and the instruct-to-overlay signal detected and processed by a computer. The computer generates and transmits its overlay video signals to a television receiver which presents a combined display of the television program and overlay video signals, said display specific to a specific user.

Present application claim 22 relates to a method of controlling at least one of a plurality of receiver stations wherein each receiver is adapted to detect the presence of control signals and to input a subscriber reaction to an offer communicated in mass medium programming. An instruct signal is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming.

Claim 7 of the '490 patent relates to a method of communicating television program material to multiple receiver stations. Present application claim 22 relates to a method of controlling at least one of a plurality of receiver stations wherein each receiver is adapted to detect the presence of control signals and to input a subscriber reaction to an offer communicated in mass medium programming. Application claim 22 is not directed to the concept of a video signal containing a television program and an instruct-to-overlay signal. Claim 7 of the '490 patent does not disclose the concept of an instruct signal which is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming. Claim 7 of the '490 patent does not claim the same subject matter as claimed in present application claim 22. The two claims are capable of separate manufacture, use, and sale as claimed. Thus, these two inventions are distinct.

U.S. patent 4,694,490, claim 7	**Present application, claim 22 (amended)**
In a method of communicating television program material to a multiplicity of receiver stations each of which includes a television receiver and computer, the computers being adapted to generate and transmit overlay video signals, to their associated television receivers, said overlay signals causing the display of user specific information related to said program material, and with at least some of said computers being programmed to process overlay modification control signals so as to modify the overlay video signals transmitted to their associated receivers, each of said computers being programmed to accommodate a specific user application, and wherein a video signal containing a television program signal and an instruct to-overlay signal are	A method of controlling at least one of a plurality of receiver stations, each of said plurality of receiver stations including a mass medium programming receiver, a signal detector, at least one computer or processor, wherein each of said plurality of receiver stations is adapted to detect the presence of at least one control signal and to input a subscriber reaction to an offer communicated in mass medium programming, said method comprising the steps of: (1) receiving at least one of a code and a datum at a transmitter station, said at least one of said code and said datum designating at least one of: (a) a product and a service offered in said mass medium programming; and (b) said subscriber

transmitted to said receiver stations, the steps of:

receiving said video signal at a plurality of receiver stations and displaying said program material on the video receivers of selected ones of said plurality of receiver stations

detecting the presence of said instruct-to-overlay signal at said selected receiver stations at a time when the corresponding overlay is not being displayed, and coupling said instruct-to-overlay signal to the computers at said selected receiver stations, and

causing the computers at said selected receiver stations to generate and transmit their overlay video signals to their associated television receivers in response to said instruct-to-overlay signal, thereby to present a combined display at the selected receiver stations consisting of the television program and the related computer generated overlay, the overlays displayed at a multiplicity of said receiver stations being different, with each display specific to a specific user.

reaction;

(2) receiving at said transmitter station an instruct signal which is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for at least one of simultaneous presentation and sequential presentation with said mass medium programming;

(3) transferring at least one of said at least one of said code and said datum and said instruct signal to a transmitter at said transmitter station at a specific time; and

(4) transmitting said at least one of said at least one of said code and said datum and said instruct signal from said transmitter station.

Claim 22 of the present application is distinct from the second representative claim, claim 3 of U.S. Patent 4,704,725.

Patent 4,704,725, claim 3 recites a method of communicating output signals comprising data and user specific signals at a multiplicity of receiver stations from computers to output devices. At least some of the computers can modify the user specific signals by processing modification control signals. The computers communicate the data and user specific signals in response to a received and detected instruct-to-transmit signal.

Present application claim 22 relates to a method of controlling at least one of a plurality of receiver stations wherein each receiver is adapted to detect the presence of control signals and to input a subscriber reaction to an offer communicated in mass medium programming. An instruct signal is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming.

Claim 3 of the '725 patent relates to the communication of user specific signals. Present application claim 22 relates to a method of controlling at least one of a plurality of receiver stations wherein each receiver is adapted to detect the presence of control signals and to input a subscriber reaction to an offer communicated in mass medium programming. Application claim 22 is not directed to the concept of modification control signals. Claim 3 of the '725 patent does not teach or suggest the concept of an instruct signal which is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming. Claim 3 of the '725 patent does not claim the same subject matter as claimed in present application claim 22. The two claims are capable of separate manufacture, use, and sale as claimed. Thus, these two inventions are patentably distinct.

U.S. patent 4,704,725, claim 3	**Present application, claim 22 (Amended)**
A method of communicating data to a multiplicity of receiver stations each of which includes a computer adapted to generate and transmit user specific signals to one or more associated output devices, with at least some of said computers being programmed to process modification control signals so as to modify the user specific signals transmitted to their associated output devices, each of said computers being programmed to	A method of controlling at least one of a plurality of receiver stations, each of said plurality of receiver stations including a mass medium programming receiver, a signal detector, at least one computer or processor, wherein each of said plurality of receiver stations is adapted to detect the presence of at least one control signal and to input a subscriber reaction to an offer communicated in mass medium programming, said method comprising

accommodate a special user application, comprising the steps of:

transmitting an instruct-to-transmit signal to said computers at a time when the corresponding user specific information is not being transmitted to an output device;

detecting the presence of said instruct-to-transmit signal at selected receiver stations and coupling said instruct-to-transmit signal to the computers associated with said selected stations, and

causing said last named computers to generate and transmit their user specific signals to their associated output devices in response to said instruct-to-transmit signal, thereby to transmit to the selected output devices an output signal comprising said data and said related user specific signals, the output signals at a multiplicity of said output devices being different, with each output signal specific to a specific user.

the steps of:

(1) receiving at least one of a code and a datum at a transmitter station, said at least one of said code and said datum designating at least one of:

(a) a product and a service offered in said mass medium programming; and

(b) said subscriber reaction;

(2) receiving at said transmitter station an instruct signal which is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for at least one of simultaneous presentation and sequential presentation with said mass medium programming;

(3) transferring at least one of said at least one of said code and said datum and said instruct signal to a transmitter at said transmitter station at a specific time; and

(4) transmitting said at least one of said at least one of said code and said datum and said instruct signal from said transmitter station.

Claim 22 of the present application is distinct from the third representative claim, claim 24 of U.S. patent 4,965,825.

Claim 24 of patent 4,965,825 recites a method of generating user-specific output information at a multiplicity of receiver stations. Each receiver station is programmed with a special user application and has a computer adapted to generate user specific output information. Each receiver station has an output device to which its computer transmits a user-specific signal. At a time when the user specific output information does not exist, an instruct-to-generate signal is transmitted to the receiver stations. In

response to the instruct-to-generate signal, the computers generate and transmit to the output devices the user specific output information in user specific signals which are different, "with each output signal specific to a specific user".

Present application claim 22 relates to a method of controlling at least one of a plurality of receiver stations wherein each receiver is adapted to detect the presence of control signals and to input a subscriber reaction to an offer communicated in mass medium programming. An instruct signal is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming.

Claim 24 of the '825 patent relates to transmission of user-specific information at a time when said information does not exist. Also, in claim 24, each receiver station is programmed with a special user application. These limitations and features are not taught or suggested by present application claim 22. Present application claim 22 relates to a method of controlling at least one of a plurality of receiver stations wherein each receiver is adapted to detect the presence of control signals and to input a subscriber reaction to an offer communicated in mass medium programming. Present application claim 22 is not directed to the concept of the receiver station being programmed with a special user application.

Claim 24 of the '825 patent does not teach or suggest the concept of an instruct signal which is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming. Claim 24 of the '825 patent does not claim the same subject matter as claimed in present application claim 22. The two claims are capable of separate manufacture, use, and sale as claimed. Thus, these two claimed inventions are patentably distinct.

U.S. patent 4,965,825, claim 24	**Present application, claim 22 (Amended)**

In a method of generating computer output at a multiplicity of receiver stations each of which includes a computer adapted to generate and transmit user specific output information content and user specific signals to one or more associated output devices, with at least one or more associated output devices, with at least some of said computers being programmed to process modification control signals so as to modify said computers' method of processing data and generating output information content, each of said computers, being programmed to accommodate a special user application, the steps of:

transmitting an instruct-to-generate signal to said computers at a time when corresponding user specific output information content does not exist, and causing said last named computers to generate their user specific output information content in response to said instruct-to-generate signal, thereby to transmit to each of their associated output devices an output information content and the user specific signal of its associated computer, the output signals at a multiplicity of said output devices being different, with each output signal specific to a specific user.

A method of controlling at least one of a plurality of receiver stations, each of said plurality of receiver stations including a mass medium programming receiver, a signal detector, at least one computer or processor, wherein each of said plurality of receiver stations is adapted to detect the presence of at least one control signal and to input a subscriber reaction to an offer communicated in mass medium programming, said method comprising the steps of:

(1) receiving at least one of a code and a datum at a transmitter station, said at least one of said code and said datum designating at least one of:

(a) a product and a service offered in said mass medium programming; and

(b) said subscriber reaction;

(2) receiving at said transmitter station an instruct signal which is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for at least one of simultaneous presentation and sequential presentation with said mass medium programming;

(3) transferring at least one of said at least one of said code and said datum and said instruct signal to a transmitter at said transmitter station at a specific time; and

(4) transmitting said at least one of said at least one of said code and said datum and said instruct signal from said transmitter station.

Claim 22 of the present application is distinct from the fourth representative claim, claim 15 of U.S. Patent 5,109,414.

Claim 15 of the '414 patent recites a signal processing system which receives data from a data source and outputs the data to a matrix switch and a detector, control signals are detected within the received data and stored for further processing, and a processor controls the directing functions of: (1) the matrix switch which receives the data as input and can direct selected portions of the data to a data transmission means; and (2) the device which stores and transfers the control signals to the processor.

Present application claim 22 relates to a method of controlling at least one of a plurality of receiver stations wherein each receiver is adapted to detect the presence of control signals and to input a subscriber reaction to an offer communicated in mass medium programming. An instruct signal is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming.

Claim 15 of the '414 patent relates to controlling a matrix switch to communicate data from a single data source to a data transmission selectively by processing control signals which are detected within the data and stored for further processing. Application claim 22 does not teach or suggest the concepts of a matrix switch, a detector, or storage of control signals. Claim 15 of the '414 patent does not teach or suggest the concept of an instruct signal which is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for simultaneous or sequential presentation with the mass medium programming. Claim 15 of the '414 patent does not claim the same subject matter as claimed in present application claim 22. The two claims are capable of separate manufacture, use, and sale as claimed. Thus, these two claimed inventions are distinct.

U.S. patent 5,109,414, claim 15	Present application, claim 22 (Amended)
In a signal processing system, a receiver/distribution means for receiving data from a data source and for outputting said data to a matrix switch means and a control signal detector means, a matrix switch means for receiving said data from said receiver/distributor means and for directing selected portions of said received data to a data transmission means, a control signal detector means for detecting control signals respecting said data and transferring said control signals to a storage/transfer means, said control signal means being configured to detect said control signals at a predetermined location within said data, a storage/transfer means for receiving and storing said control signals and for transferring at least a portion of said control signals to a processor means for further processing, and a processor means for controlling the directing functions of said matrix switch means and the transfer functions of said storage/transfer means based on instructions contained in said control signals.	A method of controlling at least one of a plurality of receiver stations, each of said plurality of receiver stations including a mass medium programming receiver, a signal detector, at least one computer or processor, wherein each of said plurality of receiver stations is adapted to detect the presence of at least one control signal and to input a subscriber reaction to an offer communicated in mass medium programming, said method comprising the steps of: (1) receiving at least one of a code and a datum at a transmitter station, said at least one of said code and said datum designating at least one of: (a) a product and a service offered in said mass medium programming; and (b) said subscriber reaction; (2) receiving at said transmitter station an instruct signal which is effective at said at least one of said plurality of receiver stations to select at least one subscriber datum for at least one of simultaneous presentation and sequential presentation with said mass medium programming; (3) transferring at least one of said at least one of said code and said datum and said instruct signal to a transmitter at said transmitter station at a specific time; and (4) transmitting said at least one of said at least one of said code and said datum and said instruct signal from said transmitter station.

Finally, the claims of the present application have been amended to further clarify the claimed invention. Applicants have amended the claims in response to the Examiner's various objections and queries. Likewise, the cited prior art does not disclose or render obvious any of the new claims added by the amendment. Applicants submit that all pending claims clearly define the metes and bounds of the claimed subject matter, and are supported by an adequate written description that is fully enabling. Further, it is respectfully submitted that the claims in the present application should be allowed because these structures and methods are not taught, suggested, or anticipated by the applied prior art taken alone or in combination.

CONCLUSION

In accordance with the foregoing it is respectfully submitted that all outstanding objections are rejections have been overcome and/or rendered moot. Further, it is respectfully submitted that all pending claims patentably distinguish over the prior art, taken in any proper combination. Thus, there being no further outstanding objections or rejections, the application is submitted as being in a condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining informalities to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for telephone interview to discuss resolution of such informalities.

Respectfully submitted,

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